

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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MEMORANDUM

TO: Regional Directors

FROM:  John M. Daniel, Jr., P.E., DEE
Director, Division of Air Programs Coordination

SUBJECT: Memo Number 03-1008 Exemption for Poultry Incinerators

DATE: October 31, 2003

COPIES: Richard F. Weeks, Deputy Director for Operations
Charles L. Turner, Director, Office of Air Permit Programs
Air Permit Managers, Air Compliance Manager

This guidance is intended to assist regional permit writers with evaluating poultry incinerators within the context of the Article 6 of Chapter 80. Please note this guidance applies only to poultry incinerators. Permit staff shall continue to follow agency-permitting procedures when evaluating other types of pathological incinerators for permitting applicability.

After reviewing the specifications for this type of equipment, estimating the potential to emit values for the units, and reviewing Virginia regulations, it has been decided to exempt certain poultry incinerators from permitting under the Minor New Source Review program.

Poultry incinerators do not currently have published or established emissions factors for toxic air pollutants. Therefore, the VADEQ will apply the exemption emissions levels in 9 VAC 5-80-1320 C and D (new and modified sources) to poultry incinerators. Using potential to emit emission estimates based on AP-42 emissions factors poultry incinerators with a burn rate up to 400 lb/hr would be exempted from permitting.

New or Existing Non-permitted Poultry Incinerators:

To qualify for this exemption, new or existing units must meet the following engineering and operational specifications:

1. Auxiliary fuels for each unit will be limited to natural gas, liquid petroleum gas, and/or distilled petroleum liquid fuel. Solid fuels, waste materials, or residual petroleum oil products will not be used to fire the unit.
2. The waste burned in the unit will be limited to pathological waste (poultry) only. Litter and animal bedding or any other waste materials will not be burned.
3. The manufacturer's designed burn rate or "capacity rate" of the unit will be limited to 400 (or less) pounds per hour. This value applies only to the mass of the poultry and does not include the mass of the fuel.

In addition to the technical specifications of the equipment, the following additional conditions will apply to the operations of exempt units:

1. The incinerator will be used solely to dispose of poultry originating on the farm where the incinerator is located.
2. The incinerator will be owned and operated by the farm owner/operator.
3. The incinerator will not be charged beyond the manufacturer's recommended rated capacity.
4. The incinerator will comply with the Virginia Administrative Code's citations for Incinerators (9 VAC 5 Chapter 40, Part II, Article 7), Visible Emissions (9 VAC 5-50-80), Standard for Odorous Emissions (9 VAC 5-50-140), and Registration of emission units (9 VAC 5-20-160).
5. Records shall be maintained on site to demonstrate compliance with the basis for the exemption including the total amount of pathological waste incinerated and the fuel usage on a calendar quarter basis.

For poultry incinerators to qualify for this exemption, they must be evaluated independently. The owner/operator will provide the regional office with the technical and operational information they will need for the evaluation using the air application Form 7. Once the regional office has determined that the incinerator meets all of the above criteria, the incinerator will be considered exempt from further permitting requirements. (Refer to attached example letter to be sent to owners acknowledging exempt status.)

If it is determined that the incinerator does not meet one or more of the technical or operational conditions described above, then a minor NSR permit will be required. The review of the application will follow the guidelines provided in the OAPP policy memo 02-1005, "Boilerplate and Procedures for Poultry Incinerator Permits", July 11, 2002.

Existing Poultry Incinerators currently permitted:

In applying this policy, each regional office should evaluate the existing situation for each individual incinerator currently permitted. In some cases, based on the requirements contained in the permit, it may be justified to rescind the existing permit.

This decision to rescind the permit should be based on, but not limited to, the compliance history of the facility with respect to applicable emission standards, any site specific conditions contained in the existing permit, the requirements contained in the permit relative to what would be required of other registered sources and the potential for adverse air quality impacts based on site suitability and local land use issues.

Any decisions made to rescind permits or conditions should be properly documented in the permitting files as well as in any agency databases used to track permitting actions.

Questions or comments on this guidance should be directed to the Office of Air Permit Programs.

EXAMPLE LETTER

Mr. Alan P. Koogler
Alan P Koogler - Farm
9108 Community Center Road
Bridgewater, Virginia 22812

Facility: Intersection of Oakwood Drive and Route 11
Location: Rockingham County
Registration No.: 81520
Plant ID No.: 51-165-0211

Dear Mr. Koogler:

The staff of the Valley Regional Office (DEQ) has reviewed your permit application dated April 2, 2008, and received by this office on May 2, 2008 regarding the transfer and operation of the following poultry incinerator:

Model	Maximum Rated Capacity	Fuel	Waste Product
R & K Incinerator (Easy Burn Model 34)	70.0 lb/hr	Diesel	Poultry

Based on the information submitted and the agency's current Poultry Incinerator Policy there is no requirement to permit this equipment at this time provided the following conditions are met:

- The poultry incinerator is to be located at intersection of Route 11 and Oakwood Drive, in Rockingham County, Virginia. The incinerator is to be used only for poultry carcasses originating on the farm where the incinerator is located.
- The incinerator shall be operated consistent with manufacturer recommendations, e.g. that it is not being charged at a rate that exceeds the specified design capacity of 70.0 pounds per hour. Such operation ensures that emissions levels will remain below permit exemption standards.

- Records should be maintained on site to demonstrate compliance with the basis of this exemption from permitting. Such records shall include, but are not limited to, the total annual amount of incinerated material (in tons) and fuel usage (in gallons). Any changes in the proposed operation of the poultry incinerator may require a permit.

In the event of any change in control or ownership of the poultry incinerator, notify the succeeding owner/operator of the existence of this exemption by letter and send a copy of that letter to the Director, Valley Regional Office (9 VAC 5-80-1180).

You are reminded that even though the emission unit is exempt from permitting, operation of the poultry incinerator is still subject to applicable sections of the Regulations. Such applicable requirements include, but are not limited to, Emission Standards for Incinerators (Rule 4-7), Standards of Performance for Visible Emissions (Rule 5-1), Standards of Performance for Odorous Emissions (5-2) and Registration of Stationary Sources (9 VAC 5-20-160).

This exemption letter shall not relieve Alan P Koogler - Farm of the responsibility to comply with all other local, state, and federal regulations.

If you have any questions concerning this approval, please contact Kelly R. Showalter of the Valley Regional Office at (540) 574-7843.

Sincerely,

Sharon G. Foley, P.E.
Air Permit Manager

c: DEQ – File
DEQ – Ron Phillips, Air Compliance Manager
Chris Zirkle - Pilgrims Pride Corporation